

**DOCKET NO. D-2011-009-1**

**DELAWARE RIVER BASIN COMMISSION**

**PSC Environmental Services, LLC  
Industrial Wastewater Treatment Plant  
Hatfield Township, Montgomery County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Compliance Plus Services, Inc. (CPS) on behalf of PSC Environmental Services, LLC (PSC) on May 6, 2011 (Application), for review of an existing industrial wastewater treatment plant (IWTP). The IWTP is a centralized waste treatment facility (CWTF) that treats industrial waste sources from both in and out of the basin. Approximately twenty percent (20%) of what is collected at the CWTF is treated and discharged to the Hatfield Township Municipal Authority's (HTMA) wastewater treatment plant (WWTP) through the township conveyance system or by truck. The other eighty percent (80%) is trucked in some instances with and in some instances without treatment to other CWTFs, landfills, or cement kilns throughout the United States. The HTMA has required PSC to adhere to effluent limitations in Permit No. 9035 for the portion that is treated at the Facility. The Pennsylvania Department of Environmental Protection (PADEP) issued Hazardous and Residential Waste Transfer and Disposal Permit No. PAD085690592 on February 2, 2009 for the solids collected at the facility. Additionally, the PADEP issued National Pollutant Discharge Elimination System (NPDES) Permit No. PAR900009 for the stormwater discharge from this facility on May 29, 2007, effective June 1, 2007.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Montgomery County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on March 7, 2012.

**A. DESCRIPTION**

**1. Purpose.** The purpose of this docket is to approve the existing 0.1 million gallons per day (mgd) PSC IWTP. The PSC IWTP is a CWTF that pre-treats approximately twenty percent (20%) of the industrial wastewater collected at the facility and conveys it to the HTMA WWTP through the township's existing collection system or via truck for ultimate discharge to the West Branch Neshaminy Creek. The other eighty percent (80%) is trucked in some instances with and in some instances without treatment to other CWTFs, landfills, or cement kilns throughout the

United States (most of which is sent to Du Pont Chambers Works, GROWS Landfill, or Keystone Cement; all of which are located within the Basin). The HTMA WWTP and its associated discharge were approved by the Commission on October 30, 1985 via Docket No. D-85-36 CP.

**2. Location.** The PSC IWTP does not have a direct discharge. The HTMA WWTP discharges to the West Branch Neshaminy Creek at River Mile 115.63 – 40.01 – 4.0 (Delaware River – Neshaminy Creek – West Branch Neshaminy Creek). The PSC IWTP is located within HTMA's service area in Hatfield Township, Montgomery County, Pennsylvania as follows:

<b>FACILITY</b>	<b>LATITUDE (N)</b>	<b>LONGITUDE (W)</b>
PSC IWTP	40° 17' 30"	75° 17' 9"

**3. Area Served.** The PSC IWTP receives non-hazardous and hazardous wastes received from off-site generators within the continental United States, primarily from Pennsylvania, New York, and New Jersey (both within and outside the basin) at their facility located in Hatfield Township, Montgomery County, Pennsylvania.

PSC accepts liquids in various containers including bulk load containerized totes (e.g. 5,000 gallon tank trucks or cargo trucks), oversized drums, Lab Packed materials in drums, and occasionally smaller pails and containers. The types of hazardous and non-hazardous wastewater from off-site generators (including out-of-Basin waste streams) include, but are not limited to, wastewaters from any of the categorical industries listed in 40 CFR Subchapter N-Effluent Guidelines and Standards and include a wide variety of wastes including, but not limited to, oily wastes, metals and organic chemicals. PSC is not permitted to treat wastewater associated with natural gas development. PSC currently conveys approximately 30,000 gallons per week of treated commercial off-site wastewaters to the HTMA WWTP.

PSC also acts as a temporary storage facility for solid wastes and hazardous chemicals that would cause them to violate their HTMA Permit. These solid wastes and hazardous chemicals (flammable, corrosive, toxic, noxious, malodorous, radioactive, or caustic) are then transported to other hazardous waste facilities throughout the continental United States for handling and/or treatment.

PSC can only accept wastewaters in accordance with the current PADEP approved Facility Permit and Waste Analysis Plan. In addition, any treated wastewaters conveyed to the HTMA system must also meet the conditions in a permit issued to PSC by HTMA and be in accordance with the USEPA pre-treatment program requirements. For the purpose of defining the Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

**4. Physical Features.**

**a. Design Criteria.** The docket holder will continue to operate the 0.1 mgd IWTP that pre-treats hazardous and residual wastes prior to conveyance to the HTMA WWTP and

other facilities as noted above. The docket holder does not operate a production or chemical production facility on-site, but instead is a CWTF accepting wastewaters from both inside and outside the basin. Approximately twenty percent (20%) of the wastes delivered to this facility are treated at this CWTF and conveyed to the HTMA WWTP. The other eighty percent (80%) is trucked to other CWTFs, landfills, or cement kilns throughout the United States as described above.

HTMA's WWTP has an average monthly discharge flow of 6.43 mgd. The out of basin wastewater acceptance for PSC is roughly 5,000 to 10,000 gallons per month. Since the out of basin wastewaters are such a small fraction of the flow discharged, no actual modifications have been made to the HTMA WWTP effluent limitations to date. An application is in house for renewal of the HTMA WWTP and Commission staff will assess any modifications that may be necessary during review.

PSC was directed via a letter dated June 1, 2010 to file an application with the Commission since the CWTF's design flow is greater than the Commission's review threshold and the facility diverts wastewater to and from the Basin in accordance with Section 2.3.5A. Subsections 5., 16., and 18. of the Commission's *Rules of Practice and Procedure (RPP)*. Extensions to the original due date were granted to PSC by the Commission staff.

**b. Facilities.** The PSC IWTP consists of two (2) alkane receiving tanks (T1 & T2), five (5) special waste tanks (ST-1, ST-2, ST-3, OT-1, & EST), six (6) acid receiving tanks (T3 through T8), two (2) off-site holding tanks (HT-1 & HT-2), eight (8) treatment reagent tanks (R-1 through R-8) that consist of lime, activated carbon, and or sodium sulfide, one (1) photo solution tank, two (2) electrolytic tanks, two (2) effluent holding tanks (ET-1 & ET-2), one (1) equalization tank, two (2) filter presses (FP-1 & FP-2), and one (1) drum filter (VF-2).

All treated wastewaters are batch treated. The batch process system allows for controlled and specific treatment regimens for each treatment batch. The typical batch is 25,000 to 40,000 gallons. Treated wastewater is stored in on-site effluent holding tanks or the equalization tank. The treated wastewater is tested by PSC to ensure that the wastewater meets the effluent limitations in HTMA's Permit No. 9035 prior to being introduced into the HTMA collection system. PSC is also restricted from discharging more than 0.1 mgd of treated industrial wastewater to HTMA's collection system by its permit from HTMA.

Sludge generated at the PSC IWTP by the treatment process is transferred to the facility's solids management area on-site for additional processing and shipment off-site to a State-approved facility.

The project facilities are not located within the 100 year floodplain.

**c. Water withdrawals.** The potable water supply in the project service area is supplied by the North Penn Water Authority (NPWA). The NPWA withdrawal was approved by the Commission via Docket No. D-92-44 CP-3 on December 7, 2005.

d. **HTMA Permit issued to PSC.** HTMA permits PSC to discharge treated wastewater to its collection system via Permit No. 9035, issued to PSC on July 1, 2009. The permit includes the effluent limitations and conditions for a discharge of up to 0.1 mgd from PSC's IWTP to the HTMA collection system. The following average monthly effluent limits are among those listed in the HTMA Permit. This docket is the first acknowledgment of the PSC facility, but the effluent limits within the HTMA Permit are consistent with Commission treatment standards.

**EFFLUENT TABLE A-1: Effluent Parameters PSC Already Monitors**

OUTFALL 01 (IWTP)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	5 to 10 at all times	As required by HTMA Permit
Total Suspended Solids	539 lbs/day	As required by HTMA Permit
CBOD (5-Day at 20° C)	554 lbs/day	As required by HTMA Permit

**EFFLUENT TABLE A-2: Additional Parameters PSC Must Monitor For**

OUTFALL 01 (IWTP)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	Monitor & Report *	Same as TSS freq **
Ammonia Nitrogen*	Monitor & Report *	Monthly *

\* DRBC Requirement

*HTMA has required PSC to meet pre-treatment effluent limitations for Phosphorous, Total Kjeldahl Nitrogen, and Nitrate + Nitrite as Nitrogen. These parameters are not required to be monitored by the DRBC outside of Special Protection Waters.*

e. **Cost.** There is no construction associated with this existing IWTP and therefore there are no costs associated with this docket.

## **B. FINDINGS**

The purpose of this docket is to approve the existing 0.1 mgd PSC IWTP and the import of up to 10,000 gallons per day (gpd) or 250,000 gallons per month of non-natural gas related industrial wastewaters by PSC into the basin for the purpose of treatment and conveyance to the HTMA WWTP. The PSC IWTP is a CWTF that pre-treats approximately twenty percent (20%) of the industrial wastewater collected at the facility and conveys it to the HTMA WWTP through the township's existing collection system or via truck for ultimate discharge to the West Branch Neshaminy Creek. The other eighty percent (80%) in some instances with and in some instances without treatment is trucked to other CWTFs, landfills, or cement kilns throughout the United States (most of which is sent to DuPont Chambers Works, GROWS Landfill, or Keystone Cement located within the Basin). The HTMA WWTP and its associated discharge was last approved by the Commission on October 30, 1985 via Docket No. D-85-36 CP. A renewal application for the HTMA WWTP was submitted to the Commission for review and approval on

December 5, 2011. The existing HTMA WWTP docket does not specifically mention the PSC facility.

Commission staff was first notified by PADEP staff in May of 2010 that PSC was accepting out of basin generated hydraulic fracturing wastewaters from Cabot Oil & Gas (Cabot). It was at that time that the Commission staff first became aware of the existing 0.1 mgd PSC IWTP. On May 4, 2010, HTMA confirmed the acceptance by PSC of natural gas wastewaters (flow-back and production waters from Cabot operations). PSC was advised by Commission staff that the import of wastewater into the basin required Commission approval in accordance with Section 2.30 of the Water Code. PSC was also advised that in accordance with the Executive Director Determination issued on May 19, 2009 (supplemented June 14, 2010 and July 23, 2010), the acceptance of hydraulic fracturing wastewater required the approval from the Commission. Commission staff also advised Cabot and HTMA that the shipment into the basin and acceptance of hydraulic fracturing wastewater for treatment and discharge in the basin required prior Commission approval. PSC, HTMA and Cabot indicated that they would cease the shipment and/or the acceptance of any additional hydraulic fracturing wastewaters.

PSC was directed via a letter from the Executive Director, dated June 1, 2010, to file an application with the Commission since the CWTF's design flow is greater than the Commission's review threshold and the facility diverts wastewater to and from the Basin in accordance with Section 2.3.5A. Subsections 5., 16., and 18. of the Commission's *Rules of Practice and Procedure (RPP)*. Extensions to the original due date were granted to PSC, culminating in the receipt of the Application of this docket in a timely manner. On June 9, 2010 HTMA confirmed to the Commission staff that hydraulic fracturing wastewater would no longer be accepted from PSC and ceased upon receipt of the letter from the DRBC. PSC confirmed that they no longer accept hydraulic fracturing wastewater from within or outside of the basin as part of their application. During the discussions with PSC it was also confirmed that PSC shipped hydraulic fracturing wastewater after treatment at PSC to the Du Pont Chambers Works Facility in Deepwater, New Jersey.

Commission staff met with representatives from PSC and CPS on November 18, 2010 to discuss the application process. PSC confirmed HTMA's statement that since the Commission letter of June 1, 2010, no natural gas wastewaters were accepted at the CWTF. In addition, PSC indicated that it was not going to include the acceptance of wastewaters from natural gas as part of its application to the Commission. PSC was made aware that if in the future they wish to include such wastewaters they would need to apply for and obtain separate Commission approval prior to such activities. DECISION Condition I.o. has been included in this docket requiring PSC file an application with the Commission prior to any such activities.

In view of the immediate cooperation from all parties Commission staff have decided not to recommend any further action against PSC, HTMA, or Cabot.

The nearest surface water intake of record for public water supply downstream of the HTMA WWTP discharge is by Aqua Pennsylvania approximately 34 river miles away.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The project is designed to produce a discharge that meets the effluent requirements as set forth in the *Water Quality Regulations* of the DRBC at the HTMA WWTP discharge.

### **C. DECISION**

I. Effective on the approval date for Docket No. D-2011-009-1 below, the project and appurtenant facilities as described in the Section A “Physical Features” of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the HTMA in its Permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the *Water Quality Regulations* of the DRBC.

d. The docket holder shall comply with the requirements contained in the Effluent Tables in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The docket holder is permitted to treat and discharge the categories of wastewaters defined in the “Area Served” section of this docket.

i. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

j. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

k. A complete application for the renewal of this docket, or a notice of intent to cease the operations (withdrawal, discharge, etc.) approved by this docket by the expiration date, must be submitted to the DRBC at least 12 months prior to the expiration date below (unless permission has been granted by the DRBC for submission at a later date), using the appropriate DRBC application form. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and conditions of this docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

l. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

m. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the *Delaware River Basin Compact*, cases and controversies arising under the *Compact* are reviewable in the United States district courts.

n. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

o. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

**BY THE COMMISSION**

**DATE APPROVED: March 7, 2012**

**EXPIRATION DATE: June 30, 2015**